

REMARKS

The Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being obvious in view of the combination of House, U.S. Patent No. 5,336,039 and Reeves, U.S. Patent No. 4,360,309. The Examiner's rejection is improper, as the cited combination does not include all limitations of independent claim 1 or its dependent claims 2-7.

Independent claim 1 includes the limitations of (1) a first elongate power actuator that slidably supports a first fork engaging member (2) a second elongate power actuator that slidably supports a second fork engaging member where (3) movement of the first power actuator slides the second fork engaging member along the second power actuator and movement of the second power actuator slides the first fork engaging member along the first power actuator. House discloses a lift truck having two hydraulically operated pairs of fork-engaging members 30 and 32, respectively, each supported by a respective pair of laterally offset hydraulic cylinders. However, each pair of hydraulic cylinders operate to laterally move *its supported* fork-engaging member in a desired direction. For example, referring to FIG. 2 of House, the cylinder pair 20, 22 that supports the right hand fork by collars 30 also moves the right hand fork. Similarly, the cylinder pair 20, 22 that supports the left hand fork by collars 32 also moves the left hand fork. Thus, as conceded by the Examiner, independent claim 1, as well as its dependent claims 2-7, distinguish over House because none of the hydraulic cylinders of House move the fork-engaging member supported by the *other* hydraulic cylinder. The applicant further points out that neither pair of cylinders disclosed by House is even capable of moving the fork engaging member supported by the other cylinder, because the piston of each cylinder cannot retract far enough to attach to the opposite fork engaging member, let alone move it in its intended direction.

Reeves, on the other hand, merely discloses a forklift carriage assembly where neither hydraulic cylinder supports a fork engaging member. Instead, the fork engaging members are supported by a bracket mounted to the carriage frame. Thus, Reeves does not teach any of the three limitations described above. Reeves' claimed invention relates not to a mechanism for moving forks, or even supporting fork engaging members, but rather to a compact means of mounting the respective hydraulic cylinders to the carriage frame, that includes a pivoting

cylinder that obviates the need to support bending moments and thus permits the use of smaller and lighter cylinders.

The Examiner's rejection of claims 1-7 based on the cited combination is untenable. First, the Examiner's asserted motive for making the combination, i.e. withstanding higher load stresses while maintaining a compact design, is achieved simply by substituting Reeves' hydraulic cylinder mount assembly, along with smaller cylinders, into the carriage of House. In that instance, however, the cited combination would *still* have a pair of hydraulic cylinders that each operate to laterally move *its supported* fork-engaging member in a desired direction. Conversely, if the Examiner is suggesting that Reeves' carriage may be substituted *in its entirety* into the lift truck of House, the applicant notes that neither hydraulic cylinder would then support a fork engaging member, such that the cited combination would teach none of the three claim limitations described above.

The Examiner's rejection failed to specify how the cited combination would teach all claim limitations found in each of the rejected claims. *See, e.g.* Office Action at pp. 2-3. The Examiner appears to be simply substituting inapposite elements of Reeves into the lift truck of House by arbitrarily referring to each as a "first fork engaging member" or a "second actuator" so as to arrive at the claimed language, but without any supporting rationale. For example, though House certainly discloses the claimed element of a "first fork-engaging member slidably supported by a transversely extending first elongate power actuator," Reeves discloses no such element. Instead, Reeves discloses a pair of fork engaging members each *supported by a frame* and each moved by a respective cylinder. The Examiner then selects one of Reeves' fork engaging members, calls it a "first fork engaging member", calls the cylinder that moves it a "second power actuator" (and vice versa) and asserts a motive for combining the two references entirely unrelated to the proposed substitution. However, the fork engaging member of Reeves that the Examiner calls a "first fork engaging member" is not a "first fork-engaging member *slidably supported by a transversely extending first elongate power actuator*" and the fork engaging member of Reeves that the Examiner calls a "second fork engaging member" is not a "second fork-engaging member *slidably supported by a transversely extending second elongate power actuator*" as disclosed by House. Thus, even if Reeves' fork engaging members and cylinders were substituted into the lift truck of House, as the Examiner may be implying, the fork

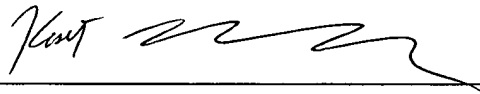
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engaging members would no longer be supported by the cylinders, hence the cylinders would not move a fork-engaging member supported by the opposing cylinder.

Because there is no possible way of combining the cited references to arrive at a lift truck having all the claim limitations of (1) a first elongate power actuator that slidably supports a first fork engaging member (2) a second elongate power actuator that slidably supports a second fork engaging member and where (3) movement of the first power actuator slides the second fork engaging member along the second power actuator and movement of the second power actuator slides the first fork engaging member along the first power actuator, the Examiner's rejection of claims 1-7 under 35 U.S.C. § 103(a) is improper.

In view of the foregoing remarks, the applicant respectfully requests reconsideration and allowance of claims 1-7.

Respectfully submitted,



Kurt Rohlfs
Reg. No. 54,405
Tel No.: (503) 227-5631